

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION No. 04-11492-REK

MARIO LACY,
Plaintiff,

v.

WILLIAM FEENEY, KENNETH
HEARNS, JEAN MOSES
ACLOQUE AND THE CITY OF
BOSTON
Defendants.

**DEFENDANTS, WILLIAM FEENEY, KENNETH HEARNS, JEAN MOSES
ACLOQUE'S PROPOSED VERDICT ON SPECIAL QUESTIONS TO THE JURY**

As to each question, you are directed to answer, state your answer by placing a check mark in the blank beside the word that state your finding.

Body Cavity Search – Lacy v. Hearns

Do you find that the Plaintiff, Mario Lacy, has established by a preponderance of evidence that the Defendant Kenneth Hearns performed an anal body cavity search on him?

YES _____ NO _____

Proceed

Strip Search – Lacy v. Hearns

Do you find that the Plaintiff, Mario Lacy, has established by a preponderance of evidence that the Defendant Kenneth Hearns performed a strip search on him?

YES _____ NO _____

If NO, proceed to Question 3. If YES, proceed to Question 1.

Strip Search – Lacy v. Hearns, Acloque

[Probable Cause to Strip Search]

1. From the point of view of a reasonable and competent police officer, confronted with the circumstances that the defendants observed (including all their observations during the period when any defendant first observed Mario Lacy on July 14, 2001 continuing to the moment that Mario Lacy was stopped by defendants),

Had any defendant observed or heard specific facts (which could be stated) that,

When taken together with rational inferences that could be drawn from those facts by a competent police officer in light of the experience of a competent police officer

reasonably warranted any defendant's strip search of the Plaintiff?

- | | | |
|-----------------|-----------|----------|
| a. Hearns | YES _____ | NO _____ |
| b. Acloque | YES _____ | NO _____ |

2. If you answered NO to any part of question 1 (a) – (b),

do you find that the defendant(s) action(s) caused the plaintiff to suffer any injury?

- | | | |
|-----------------|-----------|----------|
| a. Hearns | YES _____ | NO _____ |
| b. Acloque | YES _____ | NO _____ |

Proceed.

Massachusetts Civil Rights Act – Lacy v. Feeney, Hearns and Acloque

3. Do you find that any defendant interfered with the plaintiff's lawful exercise or enjoyment of rights secured by the Constitution or laws of the United States by the use of threats, intimidation and coercion?

- | | | |
|-----------------|-----------|----------|
| a. Feeney | YES _____ | NO _____ |
| b. Hearns | YES _____ | NO _____ |
| c. Acloque | YES _____ | NO _____ |

4. If you answered YES to any part of question number 3 (a)-(c), do you find that the action(s) of any defendant(s) caused the plaintiff to suffer injury?

- | | | |
|-----------------|-----------|----------|
| a. Feeney | YES _____ | NO _____ |
| b. Hearns | YES _____ | NO _____ |
| c. Acloque | YES _____ | NO _____ |

Proceed

Supervisory liability – Lacy v. Feeney

5. Has the plaintiff proven by a preponderance of the evidence that, as a supervisor, William Feeney's action or inaction amounted to deliberate, reckless or callous indifference to the federal constitutional rights of the plaintiff, and that William Feeney's action or inaction can be affirmatively linked to any misconduct of his subordinates?

YES _____ NO _____

If you answered YES to any part of question 2, 4 and 5 please answer Question 6; otherwise proceed to the end and have the jury foreperson sign the document.

Damages

5. What amount of damages, if any, do you award to the plaintiff against (Answer in dollars or NONE):

- (a) William Feeney \$_____
- (b) Kenneth Hearn \$_____
- (c) Moses Acloque \$_____

DATE

FOREPERSON